

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

WESTCHESTER FIRE INSURANCE
COMPANY, as subrogee of JURYS DOYLE
HOTEL GROUP USA, LTD. d/b/a
JURYS DOYLE HOTEL, LLC

Plaintiff,

v.

No. 05-cv-11375-MLW

DJ PLUMBING & HEATING, INC.,

Defendant.

**JOINT STATEMENT REGARDING PRETRIAL SCHEDULE SUBMITTED
PURSUANT TO LOCAL RULE 16.1(D)**

Pursuant to Fed. R. Civ. P. 26(f) and District of Massachusetts Local Rule 16.1(D), the parties herein, Westchester Fire Insurance Company, as subrogee of Jurys Doyle Hotel Group, USA, Ltd. d/b/a Jurys Doyle Hotel, LLC and DJ Plumbing & Heating, Inc., jointly submit the following as they do not agree on a discovery plan/pretrial schedule for this matter.

A. PROPOSED DISCOVERY PLAN/PRETRIAL SCHEDULE

The parties were unable to agree to a proposed discovery schedule. Therefore, both proposed schedules are provided below:

	<u>Plaintiff's Deadline</u>	<u>Defendant's Deadline</u>
Rule 26(a) automatic disclosures	Completed	Completed

Fact discovery deadline	April 1, 2007	6 months after the Court's determination of DJ Plumbing's pending motion to dismiss or, if the Court permits interlocutory appellate review pursuant to 28 U.S.C. § 1292(b) or any other applicable statute or rule, 6 months after any determination by the United States Court of Appeals for the First Circuit with respect to such appeal.
Plaintiff's expert disclosure(s)	May 1, 2007	One month after close of fact discovery
Defendant's expert disclosure(s)	June 1, 2007	One month after service of plaintiff's expert disclosure(s)
Expert deposition deadline	July 1, 2006	Two months after service of defendant's expert disclosure(s)
Dispositive motion deadline	July 16, 2007 Response due thirty (30) days after service	One month after close of expert discovery. All oppositions to such motions shall be filed 21 days after service of dispositive motions. Reply briefs in response to such oppositions must be filed pursuant to the local rules and shall be filed no more than 14 days after service of the opposition
Pretrial Conference	September 16, 2007	Within sixty (60) days following resolution of any dispositive motions

Motions in Limine

28 days prior
to pretrial conference

28 days prior to pretrial
conference. Any
oppositions to such
motions shall be
filed 14 days prior to
the pretrial conference,
and pursuant to the
local rules any reply
briefs in response to
such oppositions must
be filed 7 days prior to
the pretrial conference

Respectfully submitted,

Westchester Insurance Company,
by its attorneys,

s/ Patrick J. Loftus
PATRICK J. LOFTUS III, ESQUIRE
BBO #303310
No. 9 Park Street
Suite 500
Boston, MA 02108
617-723-7700
and
KEVIN J. HUGHES, ESQUIRE
Admitted *Pro Hace Vice*
khughes@cozen.com
SEAN P. O'DONNELL, ESQUIRE
Admitted *Pro Hace Vice*
sodonnell@cozen.com
COZEN O'CONNOR
1900 Market Street
Philadelphia, PA 19103
(215) 665-2000
(215) 665-2013 (facsimile)

DJ Plumbing & Heating, Inc.,
by its attorneys,

s/ John S. Stadler
JOHN S. STADLER, ESQUIRE
BBO #548485
jstadler@nixonpeabody.com
Kurt M. Mullen
BBO #651954
NIXON PEABODY
100 Summer Street
Boston, MA 02110-2131
(617) 345-1000

Dated: October 13, 2006

CERTIFICATE OF SERVICE

I hereby certify that this document was filed through the ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on October 13, 2006.

s/ Sean P. O'Donnell
SEAN P. O'DONNELL